IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 5623 of 2007(T)

[CRIME NO. OF KUNNATHUNADU POLICE STATION]

PETITIONER:

SHERLY SAJU, W/O. SAJU,
THAZHATHE OLIKKAL, CHENGARA, PATTIMATTOM,
ERNAKULAM DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR GENERAL OF POLICE,
STATE OF KERALA, TRIVANDRUM.

3. THE SUPERINTENDENT OF POLICE,
ERNAKULAM (RURAL), ALUVA, ERNAKULAM DISTRICT.

4. THE CIRCLE INSPECTOR OF POLICE,
KUNNATHUNADU POLICE STATION, ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.5623 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1:- TRUE COPY OF THE NEWS REPORT APPEARED IN THE MATHRUBHUMI DAILY DATED 10/9/2006.

EXT.P2:- TRUE COPY OF THE F.I.R.No.281/2006 OF THE KUNNATHUNADU POLICE STATION DATED 9/9/2006.

EXT.P3:- TRUE COPY OF THE POSTMORTEM REPORT DATED, 10/9/2006 OF THE DIRECTORATE OF MEDICAL EDUCATION.

EXT.P4:- TRUE COPY OF THE COMMUNICATION ISSUED BY THE PUBLIC INFORMATION OFFICER TO THE PETITIONER DATED 21/12/2006 NO.G1(B)/7885/06/ER ALONG WITH THE DETAILS SOUGHT FOR.

EXT.P5:- TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA DATED 29/9/2006.

EXT.P6:- TRUE COPY OF THE PETITION SUBMITTED BY THE JANANEETHI BEFORE THE JUSTICE RAJENDRA BABU COMMISSION DATED 16/10/2006.

[TRUE COPY]

R.BASANT, J.

W.P.C.No.5623 of 2007

Dated this the 26th day of March 2007

JUDGMENT

The petitioner is the wife of deceased Saju. The said Saju died, after he was taken into police custody. Regarding his death, a crime was registered at the Kunnathunadu police station under Section 174 Cr.P.C and investigation is in progress. Dissatisfied with the progress of the investigation, this writ petition has been filed by the petitioner.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor, after taking instructions, submits that the late Saju was taken into custody as accused in a crime registered under Section 379 I.P.C. The arrest was on the evening of 09/09/2006 and death occurred on the same day. The body was sent for postmortem examination. The examination suggests that the deceased died of cyanide poisoning. Considering the nature of the case, the Director General of Police has already directed that investigation be taken over by the CBCID Special Investigation Group-II, Ernakulam. They have already commenced investigation. The learned Public Prosecutor submits that the needful is being done by the CBCID

and the investigation is not being conducted by the local police now. The learned Public Prosecutor submits that the report of the chemical examiner which has been received on 09/03/2007 and 12/03/2007 indicate the possibility of the deceased having met with his death on account of cyanide poisoning and the possibility of such cyanide being available in his presence while in police custody.

3. I am satisfied that some further time can certainly be given to the investigating officer. No directions are necessary, at the moment, regarding further investigation. I take note of the submission of the learned Public Prosecutor that the investigation is being conducted by the CBCID, SIG-II, Ernakulam.

4. This writ petition is, in these circumstances, dismissed. I expect the investigating officer to conduct an efficient and expeditious investigation. The dismissal of this writ petition will not in any way fetter the rights of the petitioner to approach this court again at a later stage of investigation, if he is not satisfied with the progress of the investigation.

(R.BASANT, JUDGE)

jsr // True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006